

Attorney Docket No.: DC-0190  
Inventors: Hamilton and Stanton  
Serial No.: 10/089,475  
Filing Date: August 12, 2002  
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REMARKS

Claim 9 is pending in the instant application. Claim 9 has been rejected. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of the following remarks.

**I. Rejection of Claims Under 35 U.S.C. §103**

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Moyer et al. ((Aug. 1999) *Am. J. Physiol.* 277(2 Pt 2):F271-6) in view of Cormack et al. ((1996) *Gene* 173:33-38). The Examiner suggests that Moyer et al. teach a method of measuring the effect of butyrate on expression of a CFTR-GFP nucleic acid and Cormack et al. teach mutants of GFP which fluoresce more intensely than wild-type GFP. It is suggested that it would have been obvious to one of skill in the art at the time the invention was made to combine the referenced teachings to practice the method of the instant invention. Applicants respectfully traverse this rejection.

Moyer et al. teach the use of *wild-type* CFTR fused to green fluorescent protein to detect changes in Cl<sup>-</sup> secretion and CFTR expression mediated by sodium butyrate. In contrast claimed invention, this reference does not teach or suggest constructs encoding *eGFP* fused to *mutant* human CFTR. Further, this reference fails to appreciate the utility of using a *mutant* CFTR in a method for screening for agents which increase functional cell surface expression of a mutant CFTR protein by modulating CFTR *expression, activity, or trafficking* to the cell membrane. While Cormack et al. teach *eGFP*, this reference fails to compensate for the deficiencies in the teachings of Moyer et al. Accordingly, when combined, the

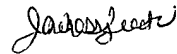
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prior art references fail to teach or suggest all the claim limitations as required to establish a prima facie case of obviousness. See MPEP 2142. Thus, it is respectfully requested that this rejection be reconsidered and withdrawn.

## II. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Advisory Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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